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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,650	04/29/2005	David Gomez Camara	GOMEZ CAMARA ET AL 1 PCT	2276
25889 7590 10/15/2008 COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576				
EXAMINER KELLER, MICHAEL J				
ART UNIT 3634		PAPER NUMBER		
MAIL DATE 10/15/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,650

Applicant(s)

GOMEZ CAMARA ET AL.

Examiner

Michael J. Keller

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5/ICE)
Paper No(s)/Mail Date 07/21/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In Applicant's amendment dated 07/21/2008 claims 1-22 are amended and claim 23 is canceled.

Claim Rejections - 35 USC § 112

2. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. The term "non-decorative" in line 4 of claim 1 is indefinite. Examiner is not aware of any standard for determining whether a component is or is not decorative.
4. The term "non-structural" is recited in line 4 of claim 1. It appears to the Examiner that the claimed device is structural. The flexible laminar element as claimed in claim 1 bears "at least the window lift mechanisms and a support spacer". Examiner interprets this statement to mean that the window lift mechanisms and support spacer are structurally supported by the flexible laminar element.

Claim Rejections - 35 USC § 102

5. **Claims 1-4, 7-10, 12-15 and 17 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Morrison et al. (US 2001/0038228).** Morrison et al. discloses **[claim 1]** a supporting module with waterproof seal for vehicle doors with a cable window lift mechanism (102, Fig. 12), comprising a flexible laminar element (26) to separate the wet area from the dry area of the door and seal the mounting accesses to the inside of the door, said flexible laminar element comprising a plurality of upper orifices (Fig. 2) and bearing during the mounting operations on the door at least

the window lift mechanisms and a support spacer (34, Fig. 6) allows a structural attachment of the door handle (56) and the door itself, so that when said flexible laminar element is positioned on the door the window lift mechanisms, the support spacer, and the door handle are placed in their mounting position, and once these elements are definitively attached to the door the loads to which they are subjected during their use are transmitted only to the door itself; **[claim 2]** characterised in that the support spacer is integrated in the flexible laminar element forming a single body with it (see Fig. 6); **[claim 3]** characterised in that it incorporates a loudspeaker (86, Fig. 8); **[claim 4]** characterised in that it incorporates the lock and at least the transmission mechanisms for the locking, opening and closing actions (36, Fig. 6); **[claim 7]** characterised in that it includes electrical cables for a window lift motor (Paragraph 48); **[claim 8]** characterised in that it incorporates electrical accessories (Paragraph 48); **[claim 9]** characterised in that the flexible laminar element provides an acoustical insulation function (any sound passing through the metal or polymeric material of the element would be dampened) **[claim 10]** characterised in that the waterproof seal of the flexible laminar element establishes a waterproof seal on the door by means of a peripheral sealing gasket (42, Fig. 2) that adapts to the surface and outline of the door; **[claim 12]** characterised in that the waterproof seal between the flexible laminar element and the access openings (35, Fig. 4) for assembling the components is established by closures or lids (40); **[claim 13]** characterised in that the closures or lids sealing the assembly access openings are included in the flexible laminar element; **[claim 14]** characterised in that the seal between the flexible laminar element and the components and

accessories that must cross from the wet to the dry area and vice versa is established by sealing gaskets (74, Fig. 8); **[claim 15]** characterised in that the sealing gaskets for the components and accessories are included in the flexible laminar element; **[claim 17]** characterised in that it is provided with attachment means for the cabling incorporated in the flexible laminar element to form a single part with it (the cables of the window regulator are connected to the module by the lifting rails).

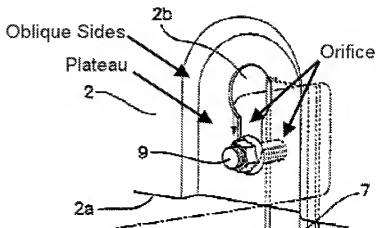
6. **Claims 1-3, 5 and 16 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Furuyama et al. (US 2002/0047289).**

Furuyama et al. discloses **[claim 1]** a supporting module with waterproof seal for vehicle doors with a cable window lift mechanism (5, Fig. 6), characterised in that it consists of a flexible laminar element (13,30, Fig. 2) to separate the wet area from the dry area of the door and seal the mounting accesses to the inside of the door, said flexible laminar element comprising a plurality of upper orifices (13b, Fig. 5) and bearing during the mounting operations on the door at least the window lift mechanisms and a support spacer (13.1) allows a structural attachment of the door handle and the door itself, so that when the aforementioned flexible laminar element is positioned on the door the window lift mechanisms, the support spacer, and the door handle are placed in their mounting position, and once these elements are definitively attached to the door the loads to which they are subjected during their use are transmitted only to the door itself; **[claim 2]** characterised in that the support spacer is integrated in the flexible laminar element forming a single body with it (see Fig. 1); **[claim 3]** characterised in that it incorporates a loudspeaker (see Fig. 1); **[claim 5]** characterised in that the flexible

laminar element incorporates the configuration of the base of an object-carrying pouch (21, Fig. 2); **[claim 16]** characterised in that the flexible laminar element is attached by attachment clips integrated in the flexible laminar element (see Fig. 9).

Claim Rejections - 35 USC § 103

7. **Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furuyama et al. (US 2002/0047289).** Furuyama et al. discloses **[claim 18]** characterised in that the window lift rails have self-centering and attachment means on the upper ends and lower ends (see Fig. 7 & 13); **[claim 19]** characterised in that the attachment and centering means consist of a groove (2b, Fig. 7) on the fixed support or door that is wider on one end of the groove and narrower on the other end, with a converging transition to house a thickened widening (9), on the end of the rail; **[claim 20]** characterised in that the centering and attachment means consist of a plateau with oblique sides on the fixed support or door on which rests the end of the rail according to a configuration that coincides in its shape and size with the aforementioned plateau of the door, such that an orifice coincides with the orifice of the plateau for a bolted union (see figure below).



[claim 21] characterised in that the centering and attachment means consist of a plateau on the fixed support or door with an orifice (9d) for a bolted union and a groove (2b) that is wider on one end than on the other, having a converging transition, and a tab (9b) and an orifice (9d) in the rail, such that the tab of the rail is made to coincide in the groove of the door until the orifices of the rail and the door coincide (see figure below); **[claim 22]** characterised in that the centering and attachment means consist of a grooved housing (2, Fig. 7) for guiding an attachment means, preferably a bolt (9), to a final position of the grooved housing where it is widened in order to maintain a stable position of the attachment means for a subsequent tightening.

order to absorb the energy of a collision between a driver and the car door and prevent injury to the driver.

9. **Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison et al. (US 2001/0038228) in view of Whitehead et al. (US 6,422,640).**

Morrison et al. discloses a supporting module according to claim 10 as set forth above, but does not disclose that the sealing gasket is inserted in a peripheral groove on the flexible laminar element. Whitehead et al. discloses a sealing gasket (142, Fig. 4) integrally molded in a groove (138) of a supporting module. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to form the sealing gasket in a groove on the flexible laminar element in a molding process, in order to reduce parts, cost and assembly (Col. 1 Lines 40-43).

Response to Arguments

10. Applicant's arguments filed 07/21/2008 have been fully considered but they are not persuasive.

11. Applicant has argued that Morrison et al. differs from Applicant's supporting module in that Applicant's supporting module includes a non-structural flexible laminar element. Examiner agrees that the flexible laminar element of Morrison et al. does provide structural support. However, Applicant's claim 1 recites a flexible laminar element which bears "at least the window lift mechanisms and a support spacer". Therefore the claimed flexible laminar element does provide structural support to certain components. Applicant argues on page 14 of his arguments:

Thus, Applicants' supporting module as recited in claim i, as amended, does not play any structural role, but rather is only strong enough to support the components during its transportation and mounting

Applicant is reminded In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a definition of structural, non-structural or the extent of structural or non-structural support required) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

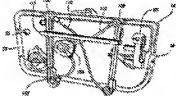
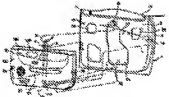
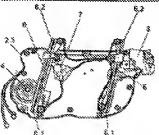
Examiner assumes that "non-structural" is meant to refer to the state described in lines 10-17 of claim 1, wherein the window lift mechanisms, the support spacer, and the door handle are attached to the door. This section of the claim contains functional language only, and the device of Morrison et al. need only be capable of the functions described. If the window lift mechanisms, the support spacer, and the door handle of Morrison et al. were attached to a door, the loads to which they were subjected would be transmitted to the door.

12. Applicant has argued that Furuyama et al. discloses a decorative support module. Applicant has correctly pointed out that the support module of Furuyama et al. is visible from inside the vehicle. However, this fact alone does not establish that the support module is decorative, and Applicant has not provided any other evidence to that effect.

13. Applicant has argued that the support module of Furuyama et al. is formed from multiple pieces, and requires an additional sealing screen, as opposed to Applicant's single piece support module. Although multiple components are used in constructing the support module of Furuyama et al., once the components are assembled they form a single integral piece.

14. Applicant's argument summary is based on broad terminology, which as noted, cannot serve to patentably distinguish as written, since "non-decorative" and "non-structural" are not clearly defined with distinguishing metes and bounds.

SUMMARY TABLE

MORRISON ET AL. US20010038228		<ul style="list-style-type: none">- NON-DECORATIVE- STRUCTURAL SUPPORTING MODULE.
FURUYAMA ET AL. US20020047289		<ul style="list-style-type: none">- DECORATIVE PANEL- NON-STRUCTURAL PANEL- SPLIT IN TWO PARTS (13, 13')
APPLICANTS' INVENTION		<ul style="list-style-type: none">- NON-DECORATIVE PANEL- NON-STRUCTURAL PANEL

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Keller whose telephone number is 571-270-5219. The examiner can normally be reached on Monday - Friday 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art
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/M. J. K./
Examiner, Art Unit 3634